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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/820,913

04/08/2004

Daniel Kletensky

10541-2028

8759

29074

7590

03/02/2006

VISTEON

C/O BRINKS HOFER GILSON & LIONE

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EXAMINER

NEGRON, ISMAEL

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 03/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/820,913

Applicant(s)

KLETENSKY ET AL. 

Examiner

Ismael Negron

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 September 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/16/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Title

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: ~~High Beam Light for Vehicle~~ **Headlamps of Motor Vehicles with Concurrent Vertical Adjustment of Low and High Beam Light Chambers, and Independent Horizontal Adjustment of the Low Beam Light Chamber.**

Abstract

Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the

patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

Applicant is also reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The

abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The abstract of the disclosure is objected to because it fails to concisely describe the subject matter of the invention, and it uses phrases which can be implied.

Correction is required. See MPEP § 608.01(b).

4. The Examiner respectfully suggests amending the abstract as follows:

A headlamp for motor vehicles of the reflector or projector design is ~~provided~~ having at least one low beam light chamber, with a discharge light source, and at least one high beam light chamber, with a halogen light source. ~~In the low beam light operation mode, the rays are produced only by the low beam light chamber. In the high beam light operation mode, the rays are produced by both the high beam light chamber and low beam light chamber are used.~~ The direction of the rays produced in the high beam light operational mode is ~~optimized~~ **adjusted** by means of simultaneous **vertical** swiveling of the **both** light chambers ~~by means of a vertical adjusting action member~~ and a **independent** horizontal adjusting action member **adjustment of the low beam light chamber.**

Drawings

5. The drawings are objected to under 37 CFR 1.83(a) because they fail to show the mechanical structure or arrangement (i.e. the combination and location of pivots and actuation points) enabling rotation of the low and high beam light chambers as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d).

6. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

7. Claim 5 is objected to because of the following informalities: it recites the limitation "*the halogen lamp*" in line 1. There is insufficient antecedent basis for this limitation in the claim.

The cited lack of antecedent instances do not amount to indefiniteness under 35 U.S.C. 112, second paragraph, since it is readily apparent that the applicant's intention was to add a halogen lamp to the structure previously defined by Claim 1. However, appropriate correction is required to place the claims in proper form for allowance.

8. The Examiner respectfully suggests amending Claim 5 as follows (also notice proposed amendments suggested in Section 10):

Claim 5 The headlamp according to claim 1 wherein the a
halogen light source is provided in the high beam light chamber.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 is indefinite as the structural relationship between the halogen light source and the previously claimed structure is not defined by the claims.

10. The Examiner respectfully suggests amending claims 4 and 5 as follows (also notice proposed amendments suggested in Section 6):

Claim 4 The headlamp according to claim 4 5 wherein
switching on of ~~a~~ the halogen light source is delayed after switching on the
high beam light operation mode.

Claim 5 The headlamp according to claim 1 wherein ~~the~~ a
halogen light source is provided in the high beam light chamber.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1-3 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by MOCHIZUKI et al. (U.S. Pat. Pub. No. 2002/0097585).

12. MOCHIZUKI et al. discloses a vehicle headlamp having:

- **a low beam operational mode (as recited in Claim 1), paragraph 47, lines 1-7;**

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- **a high beam operational mode (as recited in Claim 1),**
paragraph 47, lines 1-7;
- **a low beam light chamber (as recited in Claim 1),** Figure 1,
reference number 13;
- **a high beam light chamber (as recited in Claim 1),** Figure 1,
reference number 19;
- **the low beam light chamber having a discharge light source**
(as recited in Claim 1), Figure 1, reference number 16;
- **a vertical adjusting action member (as recited in Claim 1),**
Figure 2, reference number 11;
- **the low and high beam light chambers being vertically**
adjusted by means of the vertical adjusting action member (as
recited in Claim 1), as evidenced by Figure 2;
- **a horizontal adjusting action member (as recited in Claim 1),**
Figure 2, reference number 23;
- **the low beam light chamber being horizontally adjusted by**
means of the horizontal adjusting action member (as recited in
Claim 1), as seen in Figure 2;
- **the vertical adjusting action member forming part of an**
automatic adjusting system (as recited in Claim 2), paragraph
43;

- **the horizontal adjusting action member forming part of a mechanism allowing the horizontal swiveling of the low beam light chamber (as recited in Claim 3), inherent; and**
- **a halogen light source provided in the high beam light chamber (as recited in Claim 5), Figure 1, reference number 20.**

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over MOCHIZUKI et al. (U.S. Pat. Pub. No. 2002/0097585).

14. MOCHIZUKI et al. discloses a vehicle headlamp having:

- **a low beam operational mode (as recited in Claim 1), paragraph 47, lines 1-7;**
- **a high beam operational mode (as recited in Claim 1), paragraph 47, lines 1-7;**
- **a low beam light chamber (as recited in Claim 1), Figure 1, reference number 13;**

- **a high beam light chamber (as recited in Claim 1), Figure 1, reference number 19;**
- **the low beam light chamber having a discharge light source (as recited in Claim 1), Figure 1, reference number 16;**
- **a vertical adjusting action member (as recited in Claim 1), Figure 2, reference number 11;**
- **the low and high beam light chambers being vertically adjusted by means of the vertical adjusting action member (as recited in Claim 1), as evidenced by Figure 2;**
- **a horizontal adjusting action member (as recited in Claim 1), Figure 2, reference number 23; and**
- **the low beam light chamber being horizontally adjusted by means of the horizontal adjusting action member (as recited in Claim 1), as seen in Figure 2.**

15. MOCHIZUKI et al. discloses all the limitations of the claims, except switching of the halogen light source being delayed after switching on the high beam light operation mode (as recited in Claim 4).

16. It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to delay switching of the halogen light source after the high beam light operation mode is activated (as recited in Claim 4) to enable the adjustment

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of the light chamber to be executed before turning the light on and preventing a scanning illumination pattern.

Foreign Priority

17. The applicant is advised that the foreign priority papers cannot rely upon to overcome the rejections made of record (sections 11-16, above) because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

Relevant Prior Art

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hamm (U.S. Pat. 6,457,851), **Rosenhahn et al.** (U.S. Pats. 6,485,168 and 6,527,424), **Fujino et al.** (U.S. Pats. 6,540,386 and 6,540,386) and **Krieg et al.** (U.S. Pat. 6,779,912) disclose motor vehicles headlamps having a low beam light chamber and a high beam light chamber, both chambers being simultaneously adjusted in a vertical direction, with the low beam light chamber being independently horizontally adjusted.

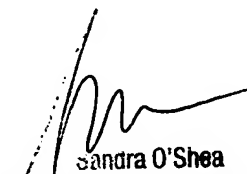
Conclusion

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Negrón whose telephone number is (571) 272-2376. The examiner can normally be reached on Monday-Friday from 9:00 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea, can be reached on (571) 272-2378. The facsimile machine number for the Art Group is (571) 273-8300.

20. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, go to <http://pair-direct.uspto.gov>. Should you have questions on access to Private PAIR system, contact the Electronic Business Center (EBC) toll-free at 866-217-9197.


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